

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION**

LEE HARTWELL,)	Case No.: 2:06-CV-518
)	
Plaintiff,)	DEFENDANTS' OBJECTION TO
)	PLAINTIFF'S PROPOSED VOIRE DIRE
vs.)	
THE CITY OF MONTGOMERY and THE)	
PERSONNEL BOARD FOR THE CITY AND)	
COUNTY OF MONTGOMERY, and KELLY)	
GORDON)	
)	
Defendants.)	
)	
)	

COME NOW City of Montgomery and Kelly Gordon, by and through undersigned counsel and object to questions 1 and 2 of Plaintiff's proposed voire dire, and in support thereof say as follows:

Questions 1 and 2 of the plaintiff's proposed voire dire propose to ask the jury panel whether they are members of any organization which either uses the confederate battle flag as a symbol or promotes the preservation of the flag (Doc. No. 35). Rather than being an attempt to ferret out bias, the proposed questions are an attempt to confuse the jury and redirect their attention away from the ultimate issues in the case and focus the attention on the confederate battle flag and all of the emotion which it evokes. Put simply, the questions are a back door attempt to entrench in the minds of the jurors that this case is about racism rather than the alleged first amendment retaliation that it truly is. The questions are, therefore, prejudicial to the defendants in this case and not probative to determining bias of the potential jurors.

Respectfully submitted,

/s/ Wallace D. Mills
Wallace D. Mills (MIL 090)
Attorney for the City of Montgomery

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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of May, 2007, I electronically filed the foregoing with the Clerk of the court using the CM/ECF system which will send notification of such filing to the following parties or counsel:

J. Bernard Brannan, Jr., Esq.
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and I hereby certify that I have also mailed by United States Postal Service the document to the above-named non-CM/ECF participants:

/s/ Wallace D. Mills
OF COUNSEL